

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appln. No. 09/484,363  
Amendment dated December 7, 2004

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims** (deleted text being struck through (or triple bracketed) and added text being underlined):

- 1        1. (Currently Amended) A method of applying  
2        polyacrylamide (PAM) for stabilizing soil particles of a land area  
3        from erosive movement about the land area, the method  
4        comprising[[[;]]]:  
5        establishing a uniform mixture ratio for a mixture of PAM and water  
6              to be applied to a land area;  
7        calculating a total application rate for applying the mixture to the  
8              land area;  
9        mixing PAM with water according to the uniform mixture ratio to  
10              form a mixture for application to the land area;  
11        applying the mixture to a top surface of soil of the land area; and  
12        terminating the application of the mixture when PAM reaches  
13              sufficient depth penetration below a top surface of the soil.
  
- 1        2. (Original) The method of claim 1 wherein the establishing  
2        step includes mixing PAM and water in a ratio of about 1 part PAM  
3        to between about 500 and about 5000 parts water by volume.
  
- 1        3. (Original) The method of claim 1 wherein the establishing  
2        step includes mixing PAM and water in a ratio of 1 part PAM to  
3        about 1000 parts water by volume.
  
- 1        4. (Original) The method of claim 1 additionally comprising  
2        the step of determining a number of times that the mixture of the  
3        uniform mixture ratio needs to be applied to the land area to achieve  
4        the calculated total application rate of the PAM.

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appln. No. 09/484,363  
Amendment dated December 7, 2004

1       5. (Original) The method of claim 1 wherein the applying  
2 step comprises making a series of applications of the mixture to the  
3 surface for a number of times until the application rate for the soil  
4 of the land area is achieved.

1       6. (Original) The method of claim 1 wherein the applying  
2 step includes misting a portion of the total application rate of the  
3 mixture onto the surface of the land area to produce a tack coat for  
4 initially stabilizing topmost soil particles on the top surface of the  
5 land area against soil particle movement caused by subsequent  
6 mixture applications.

1       7. (Original) The method of claim 1 wherein the applying  
2 step includes continuing to apply the mixture to the surface of the  
3 soil until the soil of the land area becomes saturated and stopping  
4 the application of the mixture top surface becomes saturated.

1       8. (Previously Presented) The method of claim 7 additionally  
2 comprising detecting saturation of the soil when the mixture  
3 accumulates on the surface rather than being absorbed into the  
4 ground and the mixture on the top surface reflects ambient light.

1       9. (Original) The method of claim 8 wherein the applying  
2 step includes waiting for a time period after detection of saturation  
3 such that the mixture is able to penetrate the ground below the  
4 surface, wherein the time period comprises the time required for any  
5 puddles of the mixture on the top surface of the soil to be absorbed  
6 into the soil below the top surface.

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appn. No. 09/484,363  
Amendment dated December 7, 2004

1        10. (Original) The method of claim 9 wherein the waiting  
2 step is conducted for a time period that is less than the time  
3 required for the top surface of the soil to dry.

1        11. (Original) The method of claim 1 wherein the applying  
2 step includes the step of directing a spray of the mixture onto the  
3 top surface of the soil of the land area from at least four directions,  
4 each of the directions being oriented at about 90 degrees to at least  
5 two of the other directions.

1        12. (Original) The method of claim 11 wherein the applying  
2 step includes the step of directing a spray of the mixture at a  
3 substantially perpendicular angle downward onto the top surface of  
4 the soil of the land area, wherein the direction of the substantially  
5 perpendicular spray varies less than about 15 degrees measured from  
6 an axis perpendicular to the surface of the soil.

1        13. (Original) The method of claim 1 additionally comprising  
2 testing the extent of penetration of the PAM below the top surface  
3 of the soil of the land area.

1        14. (Previously Presented) The method of claim 1 wherein  
2 the testing step includes removing a core sample of the soil from the  
3 land area.

1        15. (Original) The method of claim 1 additionally comprising  
2 the step of comparing the depth penetration of the PAM below the  
3 top surface of the soil of the land area to a set of minimum depth  
4 penetration values based upon the general slope of the land area to  
5 determine the minimum depth penetration needed for the land area  
6 being treated before terminating application of the mixture to the  
7 land area;

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appln. No. 09/484,363  
Amendment dated December 7, 2004

8       wherein if the general slope of the land area is between  
9       substantially level and a general slope of 4 to 1, inclusive, the  
10      sufficient depth penetration is a minimum of about 1.3 inches;

11       wherein if the general slope of the land area is about 3 to 1,  
12      the sufficient depth penetration is a minimum of about 1.5 inches;

13       wherein if the general slope of the land area is about 2 to 1,  
14      the sufficient depth penetration is a minimum of about 2 inches;

15       wherein if the general slope of the land area is about 1.5 to 1,  
16      the sufficient depth penetration is a minimum of about 2.5 inches;

17      and

18       wherein if the general slope of the land area is about 1 to 1 or  
19      steeper, the sufficient depth penetration is a minimum of about 3  
20      inches.

1       16. (Original) The method of claim 15 additionally  
2      comprising exceeding the total application rate calculated if the  
3      sufficient minimum depth penetration is not achieved through  
4      application of mixture to the soil at the total application rate.

1       17. (Currently Amended) A method of applying  
2      polyacrylamide (PAM) for stabilizing soil particles of a land area  
3      from erosive movement about the land area, the method  
4      comprising[[[;]]] :  
5      establishing a uniform mixture ratio for a mixture of PAM and water  
6      to be applied to a land area;  
7      calculating a total application rate for applying the mixture to the  
8      land area;  
9      mixing PAM with water according to the uniform mixture ratio to  
10     form a mixture for application to the land area; and  
11     applying the mixture to a top surface of soil of the land area by  
12     misting a top surface of the land area with the mixture for

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appn. No. 09/484,363  
Amendment dated December 7, 2004

13       producing a tack coat of the PAM for initially stabilizing  
14       topmost soil particles on the top surface of the land area  
15       against soil particle movement caused by any subsequent  
16       mixture applications.

1       18. (Original) The method of claim 17 additionally  
2       comprising the step of determining a number of times that the  
3       mixture of the uniform mixture ratio needs to be applied to the land  
4       area to achieve the calculated total application rate of the PAM.

1       19. (Previously Presented) The method of claim 18 wherein  
2       the applying step comprises making a series of applications of the  
3       mixture to the soil according to the number of times determined to  
4       achieve the total application rate for the soil of the land area.

1       20. (Original) The method of claim 17 wherein the applying  
2       step includes continuing to apply the mixture to the surface of the  
3       soil until the soil of the land area becomes saturated and stopping  
4       the application of the mixture top surface becomes saturated.

1       21. (Previously Presented) The method of claim 20  
2       additionally comprising detecting saturation of the soil when the  
3       mixture accumulates on the surface rather than being absorbed into  
4       the ground and the mixture on the top surface reflects ambient light.

1       22. (Original) The method of claim 21 wherein the applying  
2       step includes waiting for a time period after detection of saturation  
3       such that the mixture is able to penetrate the ground below the  
4       surface, wherein the time period comprises the time required for any  
5       puddles of the mixture on the top surface of the soil to be absorbed  
6       into the soil below the top surface.

1       23. (Original) The method of claim 22 wherein the waiting

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363  
Amendment dated December 7, 2004

2 step is conducted for a time period that is less than the time  
3 required for the top surface of the soil to dry.

1        24. (Original) The method of claim 17 wherein the applying  
2 step includes the step of directing a spray of the mixture onto the  
3 top surface of the soil of the land area from at least four directions,  
4 each of the directions being oriented at about 90 degrees to at least  
5 two of the other directions.

1        25. (Original) The method of claim 17 wherein the applying  
2 step includes the step of directing a spray of the mixture at a  
3 substantially perpendicular angle downward onto the top surface of  
4 the soil of the land area, wherein the direction of the substantially  
5 perpendicular spray varies less than about 15 degrees measured from  
6 an axis perpendicular to the surface of the soil.

1        26. (Original) The method of claim 17 additionally  
2 comprising testing the extent of penetration of the PAM below the  
3 top surface of the soil of the land area.

1        27. (Previously Presented) The method of claim 17 wherein  
2 the testing step includes removing a core sample of the soil from the  
3 land area.

1        28. (Previously Presented) The method of claim 17  
2 additionally comprising the step of terminating the application of  
3 the mixture when PAM penetrates below a top surface of the soil.

1        29. (Original) The method of claim 28 additionally  
2 comprising comparing the depth penetration of the PAM below the  
3 top surface of the soil of the land area to a set of minimum depth  
4 penetration values based upon the general slope of the land area to  
5 determine the minimum depth penetration needed for the land area

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363

Amendment dated December 7, 2004

6 being treated before terminating application of the mixture to the  
7 land area;

8 wherein if the general slope of the land area is between  
9 substantially level and a general slope of 4 to 1, inclusive, the  
10 sufficient depth penetration is a minimum of about 1.3 inches;

11 wherein if the general slope of the land area is about 3 to 1,  
12 the sufficient depth penetration is a minimum of about 1.5 inches;

13 wherein if the general slope of the land area is about 2 to 1,  
14 the sufficient depth penetration is a minimum of about 2 inches;

15 wherein if the general slope of the land area is about 1.5 to 1,  
16 the sufficient depth penetration is a minimum of about 2.5 inches;  
17 and

18 wherein if the general slope of the land area is about 1 to 1 or  
19 steeper, the sufficient depth penetration is a minimum of about 3  
20 inches.

1 30. (Original) The method of claim 17 wherein the  
2 establishing step includes mixing PAM and water in a ratio of about  
3 1 part PAM to between about 500 and about 5000 parts water by  
4 volume.

1 31. (Original) The method of claim 17 additionally  
2 comprising the step of considering the relative compaction of the  
3 soil of the land area, and increasing a number of times of  
4 applications of the mixture if the top surface of the soil of the land  
5 area has a compacted crust for loosening the compaction of the soil  
6 to enhance the penetration of subsequent applications of the mixture  
7 into the soil.

32. through 38. (Cancelled)

1 39. (Currently Amended) A method of applying

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363

Amendment dated December 7, 2004

2 polyacrylamide (PAM) for stabilizing soil particles of a land area  
3 from erosive movement about the land area, the method  
4 comprising[[[;]]] :  
5 mixing PAM with water to form a mixture for application to the land  
6 area;  
7 applying the mixture to a top surface of soil of the land area until  
8 the soil of the land area becomes saturated, and stopping the  
9 application of the mixture when the top surface becomes  
10 saturated and the mixture accumulates on the surface rather  
11 than being absorbed into the ground and the mixture on the top  
12 surface reflects ambient light; and  
13 terminating the application of the mixture when PAM penetrates  
14 below a top surface of the soil.

1 40. (Previously Presented) The method of claim 39  
2 additionally comprising the step of establishing a uniform mixture  
3 ratio for a mixture of PAM and water to be applied to a land area,  
4 and wherein the mixture formed by the mixing step has a ratio of  
5 PAM and water corresponding to the uniform mixture ratio.

1 41. (Previously Presented) The method of claim 40  
2 additionally comprising the step of calculating a total application  
3 rate for applying the mixture to the land area, and additionally  
4 comprising the step of determining a number of times that the  
5 mixture of the uniform mixture ratio needs to be applied to the land  
area to achieve the calculated total application rate of the PAM.

1 42. (Previously Presented) The method of claim 39  
2 additionally comprising the step of calculating a total application  
3 rate for applying the mixture to the land area, and wherein the  
4 applying step comprises making a series of applications of the  
5 mixture to the surface for a number of times until the application

Appln. No. 09/484,363

Amendment dated December 7, 2004

Reply to Office Action mailed June 24, 2003

6 rate for the soil of the land area is achieved.

43. (Cancelled)

1       44. (Previously Presented) The method of claim 1 wherein  
2 the establishing step includes mixing PAM and water in a ratio of  
3 about 1 part PAM to between about 500 and about 5000 parts water  
4 by volume;

5            additionally comprising the step of determining a number of  
6 times that the mixture of the uniform mixture ratio needs to be  
7 applied to the land area to achieve the calculated total application  
8 rate of the PAM;

9            wherein the applying step comprises making a series of  
10 applications of the mixture to the surface for a number of times  
11 until the application rate for the soil of the land area is achieved;

12            wherein the applying step includes misting a portion of the  
13 total application rate of the mixture onto the surface of the land  
14 area to produce a tack coat for initially stabilizing topmost soil  
15 particles on the top surface of the land area against soil particle  
16 movement caused by subsequent mixture applications;

17            wherein the applying step includes continuing to apply the  
18 mixture to the surface of the soil until the soil of the land area  
19 becomes saturated and stopping the application of the mixture top  
20 surface becomes saturated;

21            additionally comprising detecting saturation of the soil when  
22 the mixture accumulates on the surface rather than being absorbed  
23 into the ground and the mixture on the top surface reflects ambient  
24 light;

25            wherein the applying step includes waiting for a time period  
26 after detection of saturation such that the mixture is able to  
27 penetrate the ground below the surface, wherein the time period

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363  
Amendment dated December 7, 2004

28 comprises the time required for any puddles of the mixture on the  
29 top surface of the soil to be absorbed into the soil below the top  
30 surface;

31 wherein the waiting step is conducted for a time period that is  
32 less than the time required for the top surface of the soil to dry;

33 wherein the applying step includes the step of directing a  
34 spray of the mixture onto the top surface of the soil of the land area  
35 from at least four directions, each of the directions being oriented  
36 at about 90 degrees to at least two of the other directions;

37 wherein the applying step includes the step of directing a  
38 spray of the mixture at a substantially perpendicular angle  
39 downward onto the top surface of the soil of the land area;

40 additionally comprising testing the extent of penetration of the  
41 PAM below the top surface of the soil of the land area; and

42 wherein the testing step includes removing a core sample of  
43 the soil from the land area.

1 45. (Previously Presented) The method of claim 44  
2 additionally comprising the step of comparing the depth penetration  
3 of the PAM below the top surface of the soil of the land area to a  
4 set of minimum depth penetration values based upon the general  
5 slope of the land area to determine the minimum depth penetration  
6 needed for the land area being treated before terminating  
7 application of the mixture to the land area;

8 wherein if the general slope of the land area is between  
9 substantially level and a general slope of 4 to 1, inclusive, the  
10 sufficient depth penetration is a minimum of about 1.3 inches;

11 wherein if the general slope of the land area is about 3 to 1,  
12 the sufficient depth penetration is a minimum of about 1.5 inches;

13 wherein if the general slope of the land area is about 2 to 1,  
14 the sufficient depth penetration is a minimum of about 2 inches;

Appln. No. 09/484,363

Amendment dated December 7, 2004

Reply to Office Action mailed June 24, 2003

15 wherein if the general slope of the land area is about 1.5 to 1,  
16 the sufficient depth penetration is a minimum of about 2.5 inches;

17 wherein if the general slope of the land area is about 1 to 1 or  
18 steeper, the sufficient depth penetration is a minimum of about 3  
19 inches; and

20 additionally comprising exceeding the total application rate  
21 calculated if the sufficient minimum depth penetration is not  
22 achieved through application of mixture to the soil at the total  
23 application rate.

1 46. (Previously Presented) The method of claim 17  
2 additionally comprising the step of determining a number of times  
3 that the mixture of the uniform mixture ratio needs to be applied to  
4 the land area to achieve the calculated total application rate of the  
5 PAM;

6 wherein the applying step comprises making a series of  
7 applications of the mixture to the soil according to the number of  
8 times determined to achieve the total application rate for the soil of  
9 the land area;

10 wherein the applying step includes continuing to apply the  
11 mixture to the surface of the soil until the soil of the land area  
12 becomes saturated and stopping the application of the mixture top  
13 surface becomes saturated;

14 additionally comprising detecting saturation of the soil when  
15 the mixture accumulates on the surface rather than being absorbed  
16 into the ground and the mixture on the top surface reflects ambient  
17 light;

18 wherein the applying step includes the step of directing a  
19 spray of the mixture onto the top surface of the soil of the land area  
20 from at least four directions;

21 wherein the applying step includes waiting for a time period

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363

Amendment dated December 7, 2004

22 after detection of saturation such that the mixture is able to  
23 penetrate the ground below the surface, wherein the time period  
24 comprises the time required for any puddles of the mixture on the  
25 top surface of the soil to be absorbed into the soil below the top  
26 surface;

27 wherein the waiting step is conducted for a time period that is  
28 less than the time required for the top surface of the soil to dry;  
29 additionally comprising testing the extent of penetration of the  
30 PAM below the top surface of the soil of the land area;

31 wherein the testing step includes removing a core sample of  
32 the soil from the land area;

33 additionally comprising the step of terminating the application  
34 of the mixture when PAM penetrates below a top surface of the soil;

35 additionally comprising comparing the depth penetration of  
36 the PAM below the top surface of the soil of the land area to a set  
37 of minimum depth penetration values based upon the general slope  
38 of the land area to determine the minimum depth penetration needed  
39 for the land area being treated before terminating application of the  
40 mixture to the land area; and

41 additionally comprising the step of considering the relative  
42 compaction of the soil of the land area, and increasing a number of  
43 times of applications of the mixture if the top surface of the soil of  
44 the land area has a compacted crust for loosening the compaction of  
45 the soil to enhance the penetration of subsequent applications of the  
46 mixture into the soil.

1 47. (Previously Presented) The method of claim 46 wherein  
2 the establishing step includes mixing PAM and water in a ratio of  
3 about 1 part PAM to between about 500 and about 5000 parts water  
4 by volume;

5 wherein if the general slope of the land area is between

Appln. No. 09/484,363

Amendment dated December 7, 2004

Reply to Office Action mailed June 24, 2003

6 substantially level and a general slope of 4 to 1, inclusive, the  
7 sufficient depth penetration is a minimum of about 1.3 inches;  
8 wherein if the general slope of the land area is about 3 to 1,  
9 the sufficient depth penetration is a minimum of about 1.5 inches;  
10 wherein if the general slope of the land area is about 2 to 1,  
11 the sufficient depth penetration is a minimum of about 2 inches;  
12 wherein if the general slope of the land area is about 1.5 to 1,  
13 the sufficient depth penetration is a minimum of about 2.5 inches;  
14 and  
15 wherein if the general slope of the land area is about 1 to 1 or  
16 steeper, the sufficient depth penetration is a minimum of about 3  
17 inches.

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363

Amendment dated December 7, 2004

1        48. (Previously Presented) The method of claim 1  
2        additionally comprising determining the degree of stability of the  
3        soil of the land area to be treated including testing the vulnerability  
4        to erosion of the soil of the land area to be treated.

1        49. (Previously Presented) The method of claim 48 wherein  
2        the determining step includes providing at least a first tray,  
3        removing a sample of the soil from the land area to be treated,  
4        placing at least a portion of the soil sample in the first tray, tilting  
5        the first tray to produce a slope in an upper surface of the sample in  
6        the first tray.

1        50. (Previously Presented) The method of claim 49  
2        additionally comprising pouring a first liquid on the soil sample in  
3        the first tray near an uppermost end of the first tray.

1        51. (Previously Presented) The method of claim 50  
2        additionally comprising collecting in a first container the portion of  
3        the first liquid that drains from a lowermost end of the first tray and  
4        any soil particles carried by the portion of the first liquid, and  
5        categorizing the appearance of the first liquid and soil particles in  
6        the first container based upon a predetermined chart rating the  
7        erodability of the soil,

8                wherein when the contents of the first container is clear, the  
9        soil is categorized as not erodable,

10                wherein when the contents of the first container is nearly  
11        clear, the soil is categorized as slightly erodable,

12                wherein when the contents of the first container is cloudy, the  
13        soil is categorized as moderately erodable,

14                wherein when contents of the first container is very silty, the  
15        soil is categorized as easily erodable,

PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION  
Appln. No. 09/484,363  
Amendment dated December 7, 2004

16       wherein when contents of the first container is muddy in  
17      appearance, the soil is categorized as very erodable, and  
18        wherein when contents of the first container is nearly a slurry,  
19      the soil is categorized as difficult to control.

1           52. (Previously Presented) The method of claim 49 wherein  
2      the slope in the upper surface of the sample in the first tray is  
3      approximately 3 to 1.

1           53. (Previously Presented) The method of claim 49 wherein  
2      the first liquid comprises water without PAM.

1           54. (Previously Presented) The method of claim 49 wherein  
2      the determining step includes:  
3            providing a second tray;  
4            removing a sample of the soil from the land area to be treated  
5      and placing at least a portion of the soil sample in the second tray;  
6            tilting the second tray to produce a slope in an upper surface  
7      of the sample in the second tray that is substantially equal to the  
8      slope of the upper surface of the sample in the first tray;  
9            pouring a second liquid on the soil sample in the second tray  
10     near an uppermost end of the second tray, the second liquid  
11     including water and PAM;  
12           collecting in a second container the portion of the second  
13     liquid that drains from a lowermost end of the second tray and any  
14     soil particles carried by the portion of the second liquid, and  
15           comparing movement of soil particles from the second tray  
16     into the second container to movement of soil particles from the  
17     first tray into the first container.

## PRELIMINARY AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED PROSECUTION

Appln. No. 09/484,363

Amendment dated December 7, 2004

Please add the following new claim:

55. (New) A method of applying polyacrylamide (PAM) for stabilizing soil particles of a land area from erosive movement about the land area, the method comprising:  
calculating a total application rate for applying a mixture of PAM and water to be applied to a land area;  
mixing PAM with water according to a uniform mixture ratio to form a mixture for application to the land area;  
applying the mixture to a top surface of soil of the land area by misting a first portion of the total application rate of the mixture onto the surface of the land area to produce a tack coat for initially stabilizing topmost soil particles on the top surface of the land area against soil particle movement caused by subsequent mixture applications; and temporarily terminating the application of the mixture to the top surface of the soil after the misting of the first portion of the mixture; and resuming application of the mixture by applying a second portion of the total application rate of the mixture onto the top surface of soil.